IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 31351 of 2006(G)

PETITIONER:

KALARANI.R., W/O.ANILKUMAR,
H.S.S.T.(JUNIOR) MATHS,
S.N.H.S.S., UZHAMALACKAL.

BY ADV. SRI.PAULSON THOMAS

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
GENERAL EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM.

2. DIRECTOR OF HIGHER SECONDARY EDUCATION,
DIRECTORATE OF HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDING, THIRUVANANTHAPURAM.

3. THE MANAGER,
S.N.H.S.S., UZHAMALACKAL,
PUTHUKULANGARA P.O.

BY ADV. SRI.B.RAGUNATHAN
SRI.V.V.MATHEW
GOVT.PLEADER SRI.T.T.MUHAMMED

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1	**TRUE COPY OF THE APPOINTMENT ORDER AS H.S.S.T. JUNIOR MATHS DTD. 4-9-01**
EXT.P1(A)	**TRUE COPY OF THE APPROVAL ORDER OF H.S.A.(MATHS).**
EXT.P1(B)	**TRUE COPY OF THE RELEVANT PORTION OF THE ATTENDANCE REGISTER OF R3**
EXT.P2	**TRUE COPY OF THE M.S.C. MATHS DEGREE CERTIFICATE**
EXT.P2(A)	**TRUE COPY OF THE M.SC. MARK LIST .**
EXT.P2(B)	**TRUE COPY OF B.ED. DEGREE CERTIFICATE**
EXT.P2(C)	**TRUE COPY OF SET CERTIFICATE**
EXT.P3	**TRUE COPY OF THE JUDGMENT IN W.A.2245/02**
EXT.P4	**TRUE COPY OF THE ORDER IN S.L.P.(C)NO.7224/03**
EXT.P5	**TRUE COPY OF THE G.O. DTD. 24-7-03**
EXT.P6	**TRUE COPY OF THE APPROVAL ORDER DTD. 9-5-03**
EXT.P7	**TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE GOVT.**
EXT.P8	**TRUE COPY OF THE DECISION OF THE GOVT. DTD. 3-11-06**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No.31351 OF 2006

Dated this the 13th day of March, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioner was appointed as H.S.S.T(Junior) Maths with effect from 04-09-2001. She was appointed by transfer from the post of H.S.A. of the same school and fully qualified at the time of appointment. She was selected by the Staff Selection Committee and appointed with effect from 04-09-2001. Initially approval was not granted to persons appointed in between 13-02-2001 and 12-11-2001 by the department on the basis of the so called ban presumed by the department in the light of the judgment of the apex court in Dollichan's case. By Ext.P3 judgment Division Bench however approved all the appointments made in between 13-02-1001 and 12-11-2001. Apprehending delay in granting approval with effect from 4-09-2001, the management made a

fresh selection and appointment with effect from 19-11-2001 as per the rules notified on 12-11-2001.

2. Petitioner contends that petitioner was initially appointed on 04-09-2001 and continued with effect from the said date till 19-11-2001 and thereafter. By Ext.P6 appointment of the petitioner was approved with effect from 19-11-2001. Petitioner made representation before the Director and then made Ext.P7 representation before the Government. By Ext.P8 order it was rejected stating that there is no ground to consider the same. According to the petitioner, the decision of this court by the learned Single Judge in W.P.(C)No.22868/04 covers the issue in his favour.

3. I heard learned Government Pleader also.

4. In such circumstances, the writ petition is disposed of as follows:

If the petitioner files a representation before the second respondent claiming right of approval from 04-09-2001, second

respondent will consider and take a decision in accordance with law within a period of two months from the date of receipt of a copy of this judgment. Second respondent will also take into consideration the judgment of the learned Single Judge in W.P.(C)No.22868/04.

K.M.JOSEPH
JUDGE

sv.